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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SAMUEL NEAL HART,

12 Petitioner,

13 v.

14 A. CIOLLI, *Warden*,

15 Respondent.  
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No. 1:20-cv-00764-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS,  
RECHARACTERIZING PETITION AS A  
§ 2255 MOTION, AND TRANSFERRING  
CASE TO THE MIDDLE DISTRICT OF  
NORTH CAROLINA

(Doc. No. 5)

18 Petitioner Samuel Neal Hart is a federal prisoner proceeding *pro se* and *in forma pauperis*  
19 with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to  
20 a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On June 5, 2020, the assigned magistrate judge case issued findings and  
22 recommendations, recommending that the petition be recharacterized as a motion to vacate, set  
23 aside, or correct a sentence pursuant to 28 U.S.C. § 2255 and that it be transferred to the  
24 sentencing court. (Doc. No. 5.) The findings and recommendations were served on petitioner  
25 and contained notice that any objections thereto were to be filed within twenty-one (21) days of  
26 service. (*Id.* at 6.) No objections have been filed, and the time in which to do so has now passed.

27 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
28 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the

1 findings and recommendations are supported by the record and proper analysis.

2 Accordingly:

- 3 1. The findings and recommendations issued on June 5, 2020 (Doc. No. 5) are  
4 adopted in full;
- 5 2. The petition for writ of habeas corpus is recharacterized as a motion to vacate, set  
6 aside, or correct a sentence pursuant to 28 U.S.C. § 2255; and
- 7 3. The action is transferred to the United States District Court for the Middle District  
8 of North Carolina.

9 IT IS SO ORDERED.

10 Dated: **July 21, 2020**

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13 UNITED STATES DISTRICT JUDGE  
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